IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6950 OF 2005

Shri Laxman Govind Mate] .. Petitioner

Versus

1. Union of India & 5 ors.] .. Respondents

Mr. N.V. Bandiwadekar for the petitioner.

Mr. G. Hariharan with Mr. D.A. Dubey i/b Mr. S.S. Sarkar for respondents.

CORAM: R.M. LODHA &
NARESH H. PATIL, JJ.

DATED: 14TH AUGUST, 2006

P.C. :

. We heard Mr. N.V. Bandiwadekar, the counsel for the petitioner and perused the order dated 22nd September, 2004.

2. By the order dated 21st May, 2000 the petitioner was dismissed from service having remained on unauthorised leave for about six months. Prior to the dismissal, the petitioner was asked to join duties but he failed to do so. Thereafter, the show cause notice was given to him and by order dated 21st May, 2000 he was dismissed from service.

3. An Appeal was preferred by him to the Deputy Inspector General for substitution of the order of dismissal to the order of removal. The petitioner submits that he has not heard anything about the result of the Appeal preferred by him. Then, he is said to have made mercy application to the Director General, but without any response. Later on by the communication dated 22nd September, 2004 the petitioner was informed by the Commandant, 28th Battalion, B.S.F. that his Appeal as well as mercy application have been dismissed. Hence the present Writ Petition.

4. The petitioner was constable in B.S.F. and went on leave unauthorizedly for about six months. Despite the fact that he was asked to join his duty vide communication dated 3rd April, 2000, he did not do so. This clearly reflects gross misconduct on the part of the petitioner and if he was dismissed from the service, the order of dismissal cannot be faulted. The facts do not warrant change of order of dismissal to removal.

5. Writ Petition does not have any merit. Dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[NARESH H. PATIL, J.]